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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,290	03/01/2004	Robert Frink		9518

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EXAMINER

HEWITT, JAMES M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/790,290	<b>Applicant(s)</b> FRINK, ROBERT	
	<b>Examiner</b> James M. Hewitt	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 3/1/04 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it does include a column that provides a space next to each document to be considered for the examiner's initials. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Specification***

The abstract of the disclosure is objected to because it includes the implied phrase "The present invention is". Correction is required. See MPEP § 608.01(b).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The following does not find proper antecedent basis in the specification: the nozzle inlet and outlet.

***Claim Objections***

Claims 1-7 are objected to because of the following informalities:

In claim 1, line 2, "A" should be "a".

In claim 1, line 3, "A" should be "a".

In claim 1, line 4, "A" should be "a".

In claim 1, line 5, "Said" should be "said".

In claim 1, line 8, "A" should be "a".

In claim 2, line 1, "one" should be "1".

In claim 2, line 3, "A" should be "a".

In claim 2, line 4, "An" should be "an".

In claim 2, line 4, it is unclear as to whether the exhaust pipe is part of the connector.

In claim 3, line 1, "one" should be "1".

In claim 4, line 1, "two" should be "2".

In claim 4, line 2, "suspended" should be inserted before "pipe".

In claim 4, line 2, "in" should be "is".

In claim 5, line 1, "one" should be "1".

In claim 6, line 1, "two" should be "2".

In claim 6, line 2, "suspended" should be inserted before "pipe".

In claim 7, line 2, "A" should be "a".

In claim 7, line 3, "An" should be "an".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Rich (US 4,779,904).

With respect to claim 7, Rich discloses a vehicle exhaust system hose and coupling assembly comprising: a snap ring (22); and an exhaust pipe adapter (10) connected to an exhaust pipe (12 or 14), said exhaust pipe adapter containing a seat (36) sized to accommodate said snap ring.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zima et al (US 5,453,018) in view of Nordin (US 5,518,447).

Zima et al disclose a vehicle exhaust system hose and coupling assembly comprising: a suspended pipe (upper elbow connected to duct-work 22 as shown in Fig. 2); a flexible hose (42) having a first end (42.1) and a second end (42.3); a nozzle (62) having an inlet and an outlet and a connector; said flexible hose first end being connected to said pipe (via 40) and said flexible hose second end being connected to said nozzle outlet (see Fig. 3). Zima et al fails to teach a tether inside said flexible hose whereby one end of said tether is connected to said pipe and the other end of said tether is connected to said nozzle. Zima et al rather employs a spring reel assembly for retraction of the hose and coupling assembly. Nordin teaches a similar vehicle exhaust system hose and coupling assembly employing a tether extending inside of the flexible hose and connected to an upper pipe coupling (16) at one end and to a coupling nozzle at the other end. The tether is used for retraction of the hose and coupling assembly. In view of Nordin's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Zima et al to include a tether extending inside of the flexible hose (42) and connected to the upper pipe at one end and the coupling nozzle (62) at the other end in order to provide an alternative means by which to retract the hose and coupling assembly.

Claims 2, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zima et al (US 5,453,018) in view of Nordin (US 5,518,447), and further in view of Mommsen (US 3,695,646).

With respect to claim 2, 4 and 6, Zima et al in view of Nordin fail to teach that said connector is a snap ring connected to said nozzle. Zima et al employs a garter spring seated in a groove of the nozzle that acts to retain an exhaust pipe adapter (60) connected to an exhaust pipe (54), said exhaust pipe adapter containing a seat (60.1) sized to accommodate said snap ring. Mommsen teaches a similar coupling between vehicle exhaust components wherein a snap ring (30) is used to removably retain the ball portion (22) of one pipe within another pipe. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Zima et al to employ a snap ring assembly as taught by Mommsen in order to provide an alternative means by which to removably retain Zima et al's exhaust pipe adapter.


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**JAMES M. HEWITT**  
**PRIMARY EXAMINER**